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REPORT OF THE ECONOMIC AND SOCIAL COUNCIL ON THE FIFTY-FOURTH SESSION OF THE COMMISSION

DRAFT REPORT OF THE COMMISSION

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* Documents E/CN.4/1998/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council, will be contained in documents E/CN.4/1998/L.11 and addenda.

GE.98-11449 (E)

VII. THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

1. The Commission considered agenda item 7 concurrently with item 4 (see chap. IV) at its 6th to 10th meetings, from 18 to 20 March, and at its 20th meeting, on 27 March 1998. 1/

2. For the documents issued under agenda item 7, see annex IV to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairman's statements, by agenda item, see annex V to the present report.

3. At the 6th meeting, on 18 March 1998, the Special Rapporteur on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, Mr. Enrique Bernales Ballesteros, introduced his report (E/CN.4/1998/31).

4. In the general debate on agenda item 7, statements 2/ were made by the following members of the Commission: China (8th), Cuba (8th), Indonesia (8th), Madagascar (6th), Pakistan (8th), Republic of Korea (6th), Sudan (7th), Tunisia (6th), Ukraine (6th).

5. The Commission heard statements by the observers for: Algeria (8th), Armenia (6th), Azerbaijan (8th), Egypt (6th), Iran (Islamic Republic of) (8th), Iraq (6th), Jordan (6th), Norway (8th), Portugal (8th), Swaziland (8th), Syrian Arab Republic (8th).

6. The Commission also heard statements by the following non-governmental organizations: Arab Lawyers Union (9th), Asian Buddhist Conference for Peace (9th), Centre Europe-Tiers Monde (7th), International Association of Democratic Lawyers (9th), International Commission of Jurists (8th), International Educational Development (7th), International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities (6th), International Indian Treaty Council (9th), International League for the Rights and Liberation of Peoples (9th), International Progress Organization (9th), Liberation (9th), Pax Christi International (joint statement with Transnational Radical Party)(9th), Pax Romana (9th), Society for Threatened Peoples (6th), United Towns Agency for North-South Cooperation (7th), World Muslim Congress (9th), World Society of Victimology (joint statement with International Human Rights Association of American Minorities)(9th).

7. Statements in exercise of the right of reply or its equivalent were made by the representatives of Indonesia (8th, 10th) and Morocco (8th) and by the observers for Angola (8th) and Portugal (8th, 10th).

8. At its 20th meeting, on 27 March 1998, the Commission took up consideration of the draft resolutions submitted under agenda item 7.

Situation in occupied Palestine

9. The representative of Tunisia introduced draft resolution E/CN.4/1998/L.4, sponsored by Algeria, Bahrain, Bangladesh, China, Cuba, Egypt, Indonesia, Jordan, Mauritania, Morocco, Oman, Pakistan, Qatar, Saudi Arabia, the Sudan, Tunisia, the United Arab Emirates and Yemen. Malaysia and South Africa subsequently joined the sponsors.

10. Statements in connection with the draft resolution were made by the observers for Israel and Palestine.

11. A statement in explanation of vote before the vote was made by the representative of the United Kingdom of Great Britain and Northern Ireland (on behalf of the European Union).

12. The representative of the United States of America requested a vote. At the request of the representative of Tunisia, a roll-call vote was taken on the draft resolution, which was adopted by 34 votes to 1, with 18 abstentions. The voting was as follows:

In favour: Bangladesh, Belarus, Bhutan, Botswana, Brazil, Cape Verde, Chile, China, Congo, Cuba, Democratic Republic of the Congo, Guinea, India, Indonesia, Madagascar, Malaysia, Mali, Mexico, Morocco, Mozambique, Nepal, Pakistan, Peru, Philippines, Republic of Korea, Russian Federation, Rwanda, Senegal, South Africa, Sri Lanka, Sudan, Tunisia, Uganda, Venezuela.

Against: United States of America.

Abstaining: Argentina, Austria, Canada, Czech Republic, Denmark, Ecuador, El Salvador, France, Germany, Guatemala, Ireland, Italy, Japan, Luxembourg, Poland, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay.

13. A statement in explanation of vote after the vote was made the representative of the Russian Federation.

14. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/4.

Question of Western Sahara

15. The Chairman introduced draft resolution E/CN.4/1998/L.6, submitted by the Chairman.

16. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/5.

The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

17. The representative of Cuba introduced draft resolution E/CN.4/1998/L.8, sponsored by Algeria, Cuba, the Democratic Republic of the Congo, Egypt, Guinea, Mali, Swaziland and Uganda. Angola, Cameroon, Ethiopia, Ghana, India, Madagascar and Nigeria subsequently joined the sponsors.

18. The representative of Cuba orally revised the draft resolution by inserting, after operative paragraph 4, two new operative paragraphs.

19. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

20. A statement in explanation of vote before the vote was made by the representative of the United States of America.

21. The representative of the United Kingdom of Great Britain and Northern Ireland requested a vote. At the request of the representative of Cuba, a roll-call vote was taken on the draft resolution, which was adopted by 35 votes to 9, with 8 abstentions. The voting was as follows:

In favour: Bangladesh, Bhutan, Botswana, Brazil, Cape Verde, Chile, China, Congo, Cuba, Democratic Republic of the Congo, Ecuador, El Salvador, Guatemala, Guinea, India, Indonesia, Madagascar, Malaysia, Mali, Mexico, Morocco, Mozambique, Nepal, Pakistan, Peru, Philippines, Russian Federation, Rwanda, Senegal, South Africa, Sri Lanka, Sudan, Uganda, Uruguay, Venezuela.

Against: Austria, Canada, Denmark, Germany, Japan, Luxembourg, Poland, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Belarus, Czech Republic, France, Ireland, Italy, Republic of Korea, Ukraine.

22. The delegation of Tunisia later advised the Secretariat that, had it been present, it would have voted in favour of the draft resolution.

23. A statement in explanation of vote after the vote was made by the representative of the Congo.

24. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/6.